

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated 01/11/2006. Claims 1-15, 17-26 and 28-39 were pending in the application and are presented for reconsideration and further examination in view of the following remarks and arguments.

By this Response the rejection of claims 1-15, 17-26 and 28-39 under 35 U.S.C. § 103(a) is respectfully traversed.

Response to Examiner's "Response to Arguments"

Applicant notes that Applicant's arguments presented in the Appeal Brief filed on 10/24/2005 were persuasive enough to make the prosecution be reopened and the rejection under 35 U.S.C. § 102 be withdrawn, contrary to the Examiner's statement at page 6, lines 6-7 of the present Office Action. Applicant also notes that there must be some typographical error in the subsequent sentence in that same section of the Office Action (page 6, lines 8-13), wherein the Examiner seems to start to acknowledge Applicant's argument about Wactlar failing to teach "a person spotting function of the machine-readable instructions that extract faces, speech, and text [...] calculates a probability of a particular person being present in the content data based on a first, second, and third matches", without actually finishing that sentence. Clarification is respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-15, 17-26 and 28-39 under 35 U.S.C. § 103(a) as being obvious over Wactlar et al. (US Patent 5,835,667), hereinafter "Wactlar", in view of "Thomas" (US Patent Application Publication US 2003/0093794 A1).

Applicant respectfully traverses the rejection.

In this Office Action the Examiner admitted that Wactlar does not anticipate the present invention as claimed in claims 1-15, 17-26 and 28-39, and relied upon "Thomas" to cure the deficiencies of Wactlar. However, Applicant submits that "Thomas" is not a proper reference under 35 U.S.C. § 103(a) because the "Thomas" invention and the presently claimed invention were, at the time the presently claimed invention was made, owned by the same person or subject

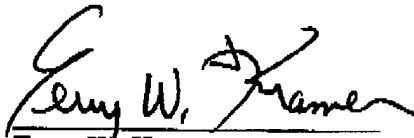
to an obligation of assignment to the same person (35 U.S.C. § 103(c)), i.e. both applications were assigned to Koninklijke Philips Electronics N.V.

It is submitted that the Examiner has failed to make a prima facie case of obviousness against claims 1-15, 17-26 and 28-39, and therefore that claims 1-15, 17-26 and 28-39 are patentable over the cited art references. Accordingly, reconsideration and withdrawal of their rejection is respectfully requested.

While we believe that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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